



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application No.: 09/518,120
Filing Date: March 3, 2000
Applicants: David L. Robinson, John F. Whalen,
and Jeffery T. Bonk
Group Art Unit: 3636
Examiner: Joseph F. Edell
Title: **LINEAR SEAT RECLINER FOR STRUCTURAL SEAT**
Attorney Docket: 0739D-000074

RECEIVED
APR 06 2004
GROUP 3600

Director of The United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

REPLY BRIEF TO EXAMINER'S ANSWER

Sir:

Reply to Examiner's Answer

As stated in Appellants' Appeal Brief filed on December 22, 2003, Appellants' invention calls for a recliner rod having at least three pairs of substantially planar flats and a stop formed integrally with one of the flats. These features are unique to the present invention and provide advantages in manufacturing and strength of the recliner rod.

In sum, the flats of the present invention are not a mere "duplication of parts for a multiplied effect," as argued by the Examiner, but rather, serve to improve both the manufacturability and performance characteristics of the recliner rod. Further, the integrally formed stop is not obvious

because one of skill in the art would be motivated to reduce undesirable seat back movement "without requiring seat recliner components that are expensive to manufacture, as argued by the Examiner. This advantage is one reason Appellants' invention is unique and commercially valuable.

The Examiner misrepresents Appellants' position when he states that Appellants admit that "it is common knowledge to one of ordinary skill in the art to modify a recliner rod to have either two or three pairs of planar flats." See Examiner's Answer at pg. 4, lns. 18-19. The Appellants do not admit, at pg. 6, lns. 14-22 of Appellants' Specification, that a recliner rod having three pairs of planar flats is "common knowledge to one of ordinary skill in the art." Rather, Appellants contend that a recliner rod having additional flats serves to help locate, guide, and hold the part during manufacturing operations to ensure proper machining and forming and to improve bending characteristics and resistance to deformation *due to the increased number of flats*. See Specification at pg. 5, lns. 19-21 (*emphasis added*). Furthermore, the Examiner states that a "recliner rod with a body shaped to have three pairs of planar flats is merely a matter of design choice, and thus does not serve to patentably distinguish the invention over the prior art." See Examiner's Answer at pg. 4, lns. 19-22. Again, Appellants disagree. Each of the Dahlbacka '215, Robinson '482, and Griswold '853 references fails to teach or suggest, either in combination or alone, a recliner rod having *three* pairs of flats. Appellants' claimed invention is therefore patentable over the art of record.

Appellants' invention further calls for a stop being formed integrally with a flat of a recliner rod, whereby the stop is operable to selectively restrict movement of the recliner rod relative to a housing. See Specification at pg. 24-26. By forming the stop integrally with the recliner rod at a flat of the recliner rod, manufacturing costs may be reduced. See Specification at pg. 2, lns. 1-6 and pg. 5, lns. 26-29. As can be appreciated, forming such integral stop on a flat of a recliner rod is beneficial in that the

flat aids in the positioning and holding of the recliner rod during forming of the recliner rod. See Specification at pg. 1, lns. 24-27 and pg. 2, lns. 1-6, and pg. 5, lns. 21-24.

The Examiner argues that "it would have been obvious to one of ordinary skill in the art" to utilize the integral stop of Robinson '482 with the recliner rod of Dahlbacka '215. See Examiner's Answer at pg. 5, lns. 1-8. The Examiner contends that one would have been motivated to reduce undesirable movement of a seatback relative to a seat bottom (commonly referred to as "chucking") "without requiring seat recliner components which are expensive to manufacture." See Examiner's Answer at pg. 5, lns. 8-11. This advantage is one reason for Appellants' invention, but the Examiner has not provided a reference that teaches or suggests combining an integrally formed stop formed on a flat of a recliner rod. Appellants' integrally formed stop improves the manufacturability of the recliner rod and aids positioning and holding of the recliner rod during forming. See Specification at pg. 1, lns. 24-27 and pg. 2, lns. 1-6, and pg. 5, lns. 21-24. Each of the Dahlbacka '215 and Robinson '482 references fails to teach or suggest, either in combination or alone, a recliner rod having a stop integrally formed on a flat of a recliner rod, and furthermore, fails to teach or suggest that such a combination aids in manufacturing a recliner rod. Appellants' claimed invention is therefore patentable over the art of record.

Summary

The prior art relied upon by the Examiner fails to teach or suggest Appellants' invention for at least two reasons:

1. a recliner rod having at least three pair of flats for improving machinery, forming and bending, as well as improving resistance to deformation, is not taught or suggested by the prior art; and

2. a stop integrally formed with a flat of a recliner rod is not taught or suggested by the prior art.

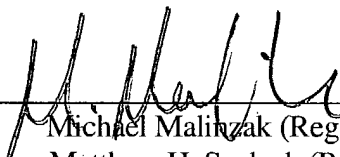
For the foregoing reasons, it is submitted that the Examiner's rejection of claims 23-38 was erroneous, and reversal of his decision is respectfully requested.

Respectfully submitted,

Dated:

March 26, 2004

By:



Michael Malinzak (Reg. No. 43,770)

Matthew H. Szalach (Reg. No. 53,665)

HARNESS, DICKEY & PIERCE, P.L.C.

5445 Corporate Drive

Troy, MI 48098

(248) 641-1600

MM/MHS/ca